IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 9201 of 2004

Between:

1 M/s.Hanuman Wines, Basantha Nagar, Ramagundam Mandal,
rep., by its Proprietor Mr.M.Hanumanthu, s/o Linga Goud, aged 48 yrs., Occ:Business,
r/o Godavarikhani, Karimnagar District.
2 M/s.Archana Bar & Restaurant, Godavarikhani, rep., by its Proprietor,
Mr.T.Gopal Rao, s/o Raeswar Rao, age 50 yrs., Occ:Business,
r/o Godavarikhani, Karimnagar District.
3 M/s.Godavari Bar & Restaurant, Godavarikhani,
rep., by its Proprietor Mr.N.Venkata Kishan Rao, s/o satyanarayan Rao,
age 35 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
4 M/s.R.K.Bar & Restaurant, Godavarikhani,
rep., by its Proprietor Mr.G.Sanjeev, s/o Ananthaiah,
age 40 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
5 M/s.Hitech Bar & Restaurent, Godavarikhani,
rep., by its Proprietor, Mr.G.Sampath Rao, s/o Rama Rao,
age 50 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
6 M/s.Raja Rani Bar & Restaurent, Godavarikhani,
rep., by its Proprietor Mr.S.Srinivas, s/o Ilaiah,
age 35 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
7 M/s.S.R.Bar & Restaurent, Godavarikhani,
rep., by its Proprietor Mr.R.Thirupathi Reddy, s/o Ram Reddy,
age 30 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
8 M/s.Dileep Bar & Restaurent, Godavarikhani,
rep., by its Proprietor Mr.V.Laxmipathi, s/o Bhoomaiah,
age 45 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
9 M/s.Sri Sai Bar & Restaurent, Godavarikhani,
rep., by its Proprietor, Mr.P.Srinivas, s/o Rajamallaiah,
age 35 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
10 M/s.Bhavani Wines, Godavarikhani,
rep., by its Proprietor, Mr.P.Bala Gopal Rao, s/o Vasudeva Rao,
age 55 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.

11 M/s.Abhishek Wines, Godavarikhani,
rep., by its Proprietor, Mr.N.Ravinder rao, s/o Agam Rao,
age 45 yrs., Occ:Business, r/o Maidpalli, NTPC, Karimnagar District.
12 M/s.Thirumala Wines, Godavarikhani,
rep., by its Proprietor Mr.Prabhakar Reddy, s/o Laxma Reddy,
age 35 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
13 M/s.New Balaji Wines, Godavarikhani,
rep., by its Proprietor Mr.M.Kamalakar Rao, s/o Satyanarayana Rao,
age 55 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
14 M/s.Venkateswara Wines, Godavarikhani,
rep., by its Proprietor, Mr.N.Madhusudhan Rao, s/o Srinivas Rao,
age 48 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
15 M/s.Sai Leela Wines, Godavarikhani,
rep., by its Proprietor, Mr.Ch.Bhanu Prakash, s/o Rajanna,
age 55 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
16 M/s.Srinivasa Wines, Godavarikhani,
rep., by its Proprietor Mr.T.Ramana Rao, s/o Aga Rao,
age 50 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
17 M/s.Surya Wines, Godavarikhani,
rep., by its Proprietor, Mr.K.Balaraj, s/o Shivalingam,
age 40 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
18 M/s.Sai Eshwar Wines, Godavarikhani,
rep., by its Proprietor, Mr.P.Laxminarayana, s/o Yellaiah,
age 55 yrs., Occ:Business, r/o L.B.Nagar, Godavarikhani, Karimnagar District.
19 M/s.Bhanu Wines, Godavarikhani,
rep., by its Proprietor, Mrs.A.Padma, w/o late A.Shanker,
age 40 yrs., Occ:Business, r/o Ramnagar, Godavarikhani, Karimnagar District.
20 M/s.New Lucky Wines, Godavarikhani,
rep., by its Proprietor Mr.K.Srinivas, s/o Shivalingam,
age 35 yrs., Occ:Business, r/o Laxminagar, Godavarikhani, Karimnagar District.
21 M/s.Sai Balaji Wine Corner, Godavarikhani,
rep., by its Proprietor Mr.V.Narsinga Rao, s/o Jagga Rao,
age 38 yrs., Occ:Business, r/o Laxminagar, Godavarikhani, Karimnagar District.
22 M/s.Sai Ram Wines, Godavarikhani,
rep., by its Proprietor Mr.L.Venugopal Rao, s/o Papa Rao,
age 39 yrs., Occ:Business, r/o Addaguntapally, Godavarikhani, Karimnagar District.
23 M/s.Rama Anjaneya Wine Corner, Godavarikhani,
rep., by its Proprietor Mr.D.Rajamallu, s/o Odelu,
age 47 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
24 M/s.Regal Wines, Godavarikhani,
rep., by its Proprietor Mr.T.Srinivas Rao, s/o Satyanarayana Rao,
Occ:Business, r/o Laxminagar, Godavarikhani, Karimnagar District.
25 M/s.Annapoorna Wines, Godavarikhani,
rep., by its Proprietor Mr.A.Ravinder Rao, s/o Ramarao,
age 39 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
26 M/s.Raja Laxmi Wines Corner, Godavarikhani,
rep., by its Proprietor Mr.G.Rajamallaiah, s/o Rajaiah,
age 57 years, Occ:Business, r/o Godavarikhani, Karimnagar District.
27 M/s.Vishnu Priya Wines, Godavarikhani,
rep., by its Proprietor Mr.K.Satyanarayana, s/o Mallaiah,
age 38 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.
28 M/s.Anu Wines, Gopdavarikhani,

rep., by its Proprietor, Mr.M.Sudhakar Rao, s/o Gopal Rao,
age 40 years, Occ:Business, r/o Godavarikhani, Karimnagar District.

29 M/s.Srinivasa Wines, Elkalapally, Godavarikhani,
rep., by its Proprietor Mr.N.Ranga Rao, s/o Narsinga Rao,
age 38 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.

30 M/s.Sri Sai Wines, Godavarikhani,
rep., by its Proprietor, Mr.N.Babu Rao, s/o Bheem Rao,
age 37 yrs., Occ:Business, r/o 5 Incline Colony, Godavarikhani, Karimnagar District.

31 M/s.Om Sainath Wines, Godavarikhani,
rep., by its Proprietor Mr.V.Shivanandam, s/o Ramulu,
age 39 yrs., Occ:Business, r/o Godavarikhani, Karimnagar District.

32 M/s.Himalaya Bar & Restaurent, NTPC, Ramagundam,
rep., by its Proprietor, Mr.P.Satish Narayana Rao, s/o Bhagavan Rao,
age 52 yrs., Occ:business, r/o Ramagundam, Karimnagar District.

33 M/s.Sai Raksha Wines Centre Maidpally, Ramagundam,
rep., by its Proprietor Mr.M.Ramchander Goud, s/o Rama Goud,
age 38 yrs., Occ:Business, r/o Ganeshnagar, Jyothi Nagar, NTPC, Karimnagar District.

34 M/s.R.R.Wines, N.T.P.C.,Maidpally,
rep., by its Proprietor, Mr.M.Rajeshwar Rao, s/o Srihari Rao,
age 37 yrs., Occ:Business, r/o NTPC, Maidpally, Karimnagar District.

35 M/s.Hanuman Wines Junction N.T.P.C.,
Rep., by its Proprietor Mr.G.Devender Rao, s/o Buchirama Rao, age 45 years, Occ:Business,
r/o N.T.P.C., Karimnagar District.

36 M/s.Sai Krupa Wines, Kannala,
rep., by its Proprietor Mr.M.Shanker Goud, s/o Yellal Goud,
age 50 yrs., Occ:business, r/o N.T.P.C., Karimnagar District.

37 M/s.Raghavendra Wines, Ramagundam,
rep., by its Proprietor Mr.B.Rajeswar Rao, s/o Papa Rao,
age 65 yrs., Occ:Business, r/o Jyothinagar, NTPC, Ramagundam, Karimnagar Dist.,

38 M/s.Dharani Wines, Dharmaram X Roads,
rep., by its Proprietor Mr.K.Shankaraiah, s/o Mallaiah,
age 40 yrs., Occ:Business, r/o G.D.Nagar, Kannala, Karimnagar District.

39 M/s.Sai Wines, Ramagundam,
rep., by its Proprietor Mr.C.Venkatesham, s/o Narayana, age 50 yrs., Occ:business,
r/o Ramagundam, Karimnagar District.

40 M/s.Raja Goud & Co.,Wines, 8 Incline Colony, Alloor rep., by its Proprietor
B.Raja Goud, s/o Venkataiah, age 55 yrs., Occ:Business, r/o 8 Incline Colony,
Godavarikhani, Karimnagar District

41 M/s.Sri Venkateswara Wines, Allur, rep., by its Proprietor
Mr.G.Parsharam Goud, s/o Narsaiah, age 55 yrs., Occ:business,
r/o Allur, Karimnagar District.

42 M/s.Sri Sai Wines, Alloor, rep., by its Proprietor
Mr.M.Ramnarayana, s/o Ramesham, age 58 yrs., Occ:business,
r/o 8 Incline Colony, Alloor, Karimnagar District.

43 M/s.Ashoka Wines, Kamanpoor,
rep., by its Proprietor Mr.M.Chandraiah, s/o Chinna Rajaiah,
age 48 yrs., Occ:business, r/o Kamanpur, Karimnagar District.

44 M/s.Sarala Wines, Julapally,

rep., by its Proprietor Mr.B.Satyanarayana, s/o Madhunaiah,
age 38 yrs., Occ:business, r/o Julapally,Karimnagar District.

45 M/s.Sai Hanuman Wines, Kamanpur,
rep., by its Proprietor Mr.P.Anjaneyulu, s/o Hanmaiah,
age 47 yrs.,Occ:Business, r/o Godavarikhani, Karimnagar District.

46 M/s.Shiva Wines, Centenary Colony, Ratnapur,
rep., by its Proprietor Mr.A.Shiva Prasad, s/o Rajamouli, age 32 yrs., Occ:business,
r/o Kalyan Nagar, Godavarikhani, Karimnagar District.

..... PETITIONER(S)

AND

1 The Commissioner of Proh., & Excise, Govt., of A.P., Hyderabad.
2 The Deputy Commissioner for Proh., & Excise, Karimnagar Division at Karimnagar.
3 The Proh., & Excise Superintendent, Karimnagar District at Karimnagar.
4 The Proh., & Excise Inspector, Excise Station, Godavarikhani, Karimnagar District.

5 M/s Gudipeta Godowns, Gudipeta Village, M.R.Manchderial, Adilabad district, represented by its Managing Partner G.Jamuna W/o Krishna Reddy, aged about 35 years, occu:Business, R/o Mancherial Town, Adilabad district.

(Respondent No.5 was impleaded as the order of this Court in W.P.M.P.No.13458 of 2004 dated 22-07-04)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the proceedings of the second respondent in Cr.No.296/2004/P&EX/A, dt.24/03/2004 which are not communicated to the petitioners and consequential orders of the respondents No.3 & 4 in Rc.No.333/2003/P&Ex/A11, dt.25/03/2004 and Rc.No.16/2004/P&E/GDK, DT.25/03/2004 respectively as being arbitrary, illegal, unconstitutional, and against principles of natural justice and consequentially set aside the same and allow the petitioners to make the purchase of the stocks from IML Depot, Karimnagar.

Counsel for the Petitioners:Mr. P.SRINIVAS AND MR.D.BHASKAR REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR PROHIBITION & EXCISE

Counsel for the respondent NO.5: Mr.P.V.NARAYANA RAO

The Court made the following :

ORDER:

Sri P.Srinivas, learned counsel representing Sri M.Aravind, learned counsel for the petitioners, seeks permission of this Court to withdraw the writ petition.

Permission is accorded.

Accordingly, the writ petition is dismissed as withdrawn. No costs.

01-09-2004

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To

1 The Commissioner of Proh., & Excise, Govt., of A.P., Hyderabad.
2 The Deputy Commissioner for Proh., & Excise, Karimnagar Division at Karimnagar.
3 The Proh., & Excise Superintendent, Karimnagar District at Karimnagar.
4 The Proh., & Excise Inspector, Excise Station, Godavarikhani, Karimnagar District.

5 Two C.Cs. to the Government Pleader for Prohibition and Excise, High Court of Andhra Pradesh, Hyderabad.(OUT)

6 Two C.D. copies.